

Jay B. Kasner
Christopher P. Malloy
Scott D. Musoff
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000

*Attorneys for Defendant
Bank of America Corporation*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PENNSYLVANIA PUBLIC SCHOOL
EMPLOYEES' RETIREMENT SYSTEM, :
individually and on behalf of all others similarly
situated, : 11 Civ. 733 (WHP)

Plaintiff, : **ECF Case**

v. : **Electronically filed**

BANK OF AMERICA CORPORATION, et al., :

Defendants. :

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**NOTICE OF MOTION FOR RECONSIDERATION OR, IN THE
ALTERNATIVE, TO CERTIFY INTERLOCUTORY APPEAL
PURSUANT TO 28 U.S.C. § 1292(b)**

PLEASE TAKE NOTICE that, upon this Court's Memorandum and Order dated July 11, 2012 (the "July 11 Order"); the accompanying Memorandum of Law dated July 25, 2012; and upon all prior pleadings and proceedings herein, Defendant Bank of America Corporation ("BAC") will move this Court, before the Honorable William H. Pauley at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, on a date and at a time

designated by the Court, (A) for an Order, pursuant to Local Civil Rule 6.3, granting BAC's motion for reconsideration of the portion of the July 11 Order denying BAC's motion to dismiss; and (B) alternatively, for an Order, pursuant to 28 U.S.C. § 1292(b), certifying for interlocutory appeal this Court's July 11 Order with respect to whether the July 11 Order applied the appropriate standard for pleading corporate scienter in light of the Supreme Court's decision in Janus Capital Group, Inc. v. First Derivative Traders, 131 S.Ct. 2296 (2011) and the Second Circuit's decision in Teamsters Local 445 Freight Div. Pension Fund v. Dynex Capital Inc., 531 F.3d 190 (2d Cir. 2008).

Dated: New York, New York
July 25, 2012

/s/ Jay B. Kasner

Jay B. Kasner (jay.kasner@skadden.com)
Christopher P. Malloy
(christopher.malloy@skadden.com)
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